

Town Council Meeting: 09 June 2008



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Mayor Keller called the meeting to order at 8:02 PM. Present were Councilmembers Berry, Hansen, Irons, and Mandel. Also present were Administrator Pratt, Rick Folkers of the *Bugle*, and a number of Town residents. Mayor Keller noted the passing of resident Donn Mader, who served as Mayor from 1968 to 1972 and was deeply involved in all aspects of Town activities his entire life in Garrett Park.

Approval of Agenda: Mayor Keller asked that the agenda be amended by removing consideration of the minutes of the 01/23 and 04/14 meetings. Councilmember Mandel **MOVED**

That the agenda be amended as proposed by the Mayor. Councilmember Irons seconded the motion, which **PASSED** unanimously.

Public Hearings:

- Variance: 4711 Oxford St. - Collella: Relief from Section 402(b)(1) Setback from Street - Councilmember Irons noted that the proposed construction of a covered front porch would require two variances for two sections of the Garrett Park Code: the referenced Section 402(b)(1) Setback from Street, and also 402(b)(3) Minimum Combined Setback. Councilmember Irons then asked Setback Advisory Committee (SAC) member Ed Shawaker to report on the Committee's findings.

Mr. Shawaker noted that the lot was a 50 foot deep corner lot which resulted in a permitted building area only 10' wide, which meant that, in the opinion of the SAC, the lot meets the requirements for a special circumstance due to its unusual dimensions. Whether or not this created "peculiar or unusual" difficulties would need to be decided.

Mr. Shawaker reported that SAC chair Harry Gordon had, with the owner's permission, inspected the lot, and because no measured plans had been submitted, had made field calculations which indicated that the existing lot was 10,000 square feet in area, that the existing home and accessory buildings cover in excess of 20% of the lot area, and that the entire proposed construction takes place within the front setback area. (Mr. Gordon's report is attachment #1 to these minutes.) Mr. Shawaker

stated that, because the existing structures already cover more than 20% of the lot area, he does not believe the Council has the authority to grant a variance (Section 402(b)(3)) for the work proposed in the application. Mr. Shawaker noted that, should the applicant confine the work to the existing footprint of the building so that no expansion is proposed, the Council would have the authority to grant a variance to Section 402(b)(1), and that the SAC has no opinion at this time on granting such a variance.

Mr. Shawaker then answered a number of questions from the Council and explained to Mr. Collella the implications of Section 402(b)(3).

Mayor Keller suggested that Mr. Collella ask for a continuance of the hearing and take the opportunity to speak with Mr. Gordon so that he could revise his application. Mr. Collella agreed to do so.

Councilmember Mandel **MOVED**

That the hearing be continued to allow the applicant to consult with the SAC and to amend his application. The motion was seconded by Councilmember Berry and **PASSED** unanimously.

Mayor's Report:

- Mayor Keller noted that the Council had not yet completed the opinion for the variance granted to the rear deck project at 4704 Clyde Avenue so that it could not act at tonight's meeting, but that it would be unfair to require the applicant to wait a further 30 days until the next meeting. Mayor Keller asked Councilmember Mandel if he could work with him to get a draft circulated via email to Councilmembers by mid-week so that they could then vote, also by email, to accept the variance opinion prior to the weekend. Mr. Rodriguez, the applicant, asked if a building permit could be issued prior to adopting the opinion and the Mayor said it was not possible. Councilmember said that if his colleagues got their final comments to him by Thursday he would work to get a revised draft out to them by email on Friday. The Mayor noted that he needed to receive affirmative votes from three Councilmembers.
- The Mayor then asked the Council to adopt a resolution regarding the untimely death of former Mayor Donn Mader.

Councilmember Hansen **MOVED**

That the Council adopt and sign the resolution prepared by Mayor Keller regarding former Mayor Mader. Councilmember Mandel seconded the motion, which **PASSED** unanimously. (A copy of the resolution is attachment #2 to these minutes)

- Mayor Keller then reported on the status of the Garrett Park Community Center, noting that Montgomery-National Capital Park & Planning (M-NCPPC) would be keeping the building open and available for the Garrett Park Cooperative Nursery School's (GPCNS) use for at least one more year, leaving time to resolve the issue of the building's future. Mayor Keller stated that the upcoming year would be used to develop dialog with the appropriate parties, as well as residents, and that accurate and complete financial and other data on the building would also be gathered. The

Mayor reported that a meeting with M-NCPPC Chairman Royce Hansen was scheduled so that he and Councilmember Wegner could begin the process of developing a long-term solution to this important matter.

- Mayor Keller thanked the Garrett Park Citizens Association (GPCA) and the Garrett Park Women's Club for its hosting of the annual "Over 80" party for senior Town residents.
- The Mayor reported that he had met with Mrs. Chang-Baxter, the Principal of the Garrett Park Elementary School (GPES) to discuss matters of mutual interest to the school and Town, especially the impact of the demolition of the old school building and construction of a new one, scheduled to begin in 2010.
- Mayor Keller reported that the Garrett Park Elementary School Educational Foundation (GPESEF) was raising money to support the enlargement of the stage in the new school and would like to have representatives meet with the Council at the July meeting.
- The Mayor previewed his letter for the June *Bugle* with the Council, noting that it was time to share appropriate information regarding the suit brought against the Town by John & Elaine Martin of 10708 Clermont Avenue.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Hansen announced that the Arboretum Committee was meeting in the Town Office on June 19th at 7:00 PM.
- Councilmember Irons reported that the Historic Preservation Committee (HPC), a Town committee, and the Garrett Park Conservation Trust (GPCT), a private non-profit, had met last Monday (06/02/08) to discuss historic preservation issues, and that both organizations were in need of new members.
- Mayor Keller noted that members of the Setback Advisory Committee (SAC) had expressed a willingness to serve another year and that he would discuss the matter of a replacement for Donn Mader with the Council.
- Councilmember Berry reported that the Cambria Park sign has been refurbished by resident Tom Ruttkay, who had constructed it initially, and was now ready for installation. Mayor Keller suggested that once the sign was installed and work completed on the project that there should be a Cambria Park day scheduled to celebrate the project's completion and to recognize the work of the Parks & Open Space Committee in bringing it to a successful conclusion.
- Councilmember Mandel reported that the continued deterioration of the piano room floor at Town Hall made the consideration of installing a carpet urgent and that he would be developing proposals to do this.

Approval of Minutes:

- Councilmember Mandel **MOVED**

That the minutes of the 05/12/2008 Regular Council Meeting be approved as distributed. The motion was seconded by Councilmember Irons and was **PASSED** unanimously.

Action/Discussion:

- Amendment & Adoption of Ordinance 2008-04: Amending the FY 2008 Operating & Capital Budget - Mayor Keller opened discussion of the ordinance, noting that it had been amended since its introduction to reflect changes in end-of-year projections. Former Councilmember Ken Schwartz asked if there would be a need for further amendment, and when Administrator Pratt indicated that that was likely, Mr. Schwartz noted that he believed the Town Charter required any amendment of an annual budget must take place within that budget's fiscal year. Administrator Pratt noted that the General Accounting Standards Board (GASB) provided for 60 days to resolve payable/receivable issues with a budget and that the Town's auditors, Lindsey & Associates, found no problem with budget adjustments to a prior year's budget being made in the July meeting. Mayor Keller noted that there were a number of process issues regarding budgets that needed to be addressed, and that in light of Mr. Schwartz's concerns, he would like to schedule a meeting to discuss budget issues more broadly with interested parties.

Councilmember Berry **MOVED**

That FY 2008 Budget Ordinance 2008-04 as introduced at the May meeting be amended as proposed by the Mayor. The motion was seconded by Councilmember Mandel and was **PASSED** unanimously.

Councilmember Mandel **MOVED**

That the amended FY 2008 Budget Ordinance 2008-04 be adopted. Councilmember Irons seconded the motion, which **PASSED** unanimously (a copy of the amended ordinance is attachment #3 to these minutes).

- Encumbrance of FY 2008 Operational Account End of Year Balances - Administrator Pratt noted that difficulties with the contractor had prevented both pruning and tree removals funded in the FY 2008 budget from being completed and that he expected a surplus in the Arboretum budget. He asked that the Council consider encumbering up to \$5,000 of surplus Arboretum FY 2008 funding so that those funds would be available to finish up the planned FY 2008 work.

Councilmember

That up to \$5,000 in surplus funds for the Arboretum in the FY 2008 Budget be encumbered and used to fund the completion of FY 2008 work that would take place in FY 2009. The motion was seconded by Councilmember Mandel and was **PASSED** unanimously.

- Cancellation of the August Town Council Meeting - Mayor Keller noted that the Town Charter allowed the Council to cancel one regular meeting each year, and that the cancellation had to be done two months prior to the date of the meeting to be cancelled.

Councilmember Berry **MOVED**

That the August Council meeting be cancelled. The motion was seconded by Councilmember Mandel, and was **PASSED** unanimously.

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council.

Adjournment: The meeting adjourned at 10:07 PM.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk/Treasurer